

Michael Eugene Scott

FULL NAME

COMMITTED NAME (if different)

California men's colony 'EAST

FULL ADDRESS INCLUDING NAME OF INSTITUTION

7204 P.O. Box 8101

San Luis Obispo, CA. 93409-8101

PRISON NUMBER (if applicable)

BF2270

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Michael Eugene Scott

CASE NUMBER

2:18-cv-06221-JLS-KK

To be supplied by the Clerk

PLAINTIFF,

v.

Carson Sherriff Dept. EL AL.

DEFENDANT(S).

CIVIL RIGHTS COMPLAINT

PURSUANT TO (Check one)

☒ 42 U.S.C. § 1983☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

Third Amended Complaint (Jury trial)

1. Have you brought any other lawsuits in a federal court while a prisoner: ☒ Yes ☐ No
2. If your answer to "1." is yes, how many? 1

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

8th "EXCESSIVE FORCE"

a. Parties to this previous lawsuit:

Plaintiff: Michael Eugene ScottDefendant(s): ATB right, Et al.b. Court: Eastern District of California, United States
District courtc. Docket or case number: 1:18-cv-01480-JLT(CPC)d. Name of judge to whom case was assigned: Jennifer L. Thurstone. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) Still pendingf. Issues raised: 8th Amendment excessive force, 8th Amendment
cruel and unusual punishment, 14th Amendment due
processg. Approximate date of filing lawsuit: 7-3-18h. Approximate date of disposition: N/A

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☐ Yes ☒ NoIf your answer is no, explain why not Sent to prison, never got an reply Back.

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff Michael Eugene Scott
(print plaintiff's name)who presently resides at California men's colony 'EAST'
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

Carson, CA / LA- County Jail medical
(institution/city where violation occurred)

8th amendment / 14th 8th amendment 8th amendment
 9-6-17 1-8-2018 1-8-2018
 on (date or dates) excessive force deliberate indifference cruel / unusual punishment
 (Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Sheriff deputy - John Doe; 9-6-17 Arresting Officer resides or works at
 (full name of first defendant)
Carson Sheriff Station; 21350 South Avalon Blvd, Carson, CA.
 (full address of first defendant)
Sheriff Deputy
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

He was Arresting deputy 9-6-17, who broke my hand
hand cuffing me

2. Defendant DR. ALDRIC M. JONES resides or works at
 (full name of first defendant)
LA County Jail medical
 (full address of first defendant)
Dr. ALDRIC M. JONES / Physician C-137416
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

He was the Physician in charge of the Court Order
TA14462101 - Broken Left thumb / 7PRO629001 - Broken wrist

3. Defendant _____ resides or works at
 (full name of first defendant)

 (full address of first defendant)

 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

4. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

D. CLAIMS*

CLAIM I

The following civil right has been violated:

First claim 8th 14th amendment: excessive force
 Plaintiff(s) alleges that defendant Sheriff's deputy John Doe 9-6-17 arresting officer unlawful acts, "use of excessive force" on 9-6-17 when he put plaintiff into his patrol vehicle, forceful Applied mechanical restraints causing metacarpal fracture to left hand. Solely to cause physical pain.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

1) ON 9-6-17, I the plaintiff Michael Eugene Scott was pulled over By John Doe Sheriff's deputy. For a misdemeanor driving without a license ~~motorism~~ ~~and~~

2) John Doe, Sheriff's deputy, Placed me initially in the back of the patrol car without being hand-cuffed. Because I was not under arrest yet, I was being detained.

3) Deputy John Doe, and his partner searched my vehicle and then Deputy John Doe returned to his patrol car, he then told me I was under arrest, and told me to put my hands behind my back inside the patrol car.

4) when Deputy John Doe was attempting to hand cuff plaintiff he twisted plaintiff hand, and the Defendant then put all his Body weight on plaintiff, and disregarding plaintiff pleas of pain, and Broke plaintiff hand. plaintiff felt his Bone

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

- 1) Grant Plaintiff Compensatory Damages in the sum of 75,000 against each named Defendant, in there individual Capacity
- 2) Grant Plaintiff punitive damages in the sum of 35,000 against each named Defendants in the individual Capacity
- 3) Grant plaintiff 50,000. against Dr. Aloric M. Jones for failing to provid plaintiff with timely surgery for Broken hand Exceeding 1 1/2 year's.
- 4) Order Injunctive Relief to Get Surgery to fix Broken hand "metacarpal fracture" still need's Surgical intervention to fix.
- 5) Issue a Declaratory Judgement declaring the Constitutional Rights of all parties
- 6) Order the defendants to pay all Court fee's incurred from this civil matter
- 7) Grant any, and all other relief court may dem appropriate in this civil matter:

I declare under the penalty of perjury, that the above foregoing is true, and correct under the laws of the United STATES OF AMERICA Executed
3-14-2019

3-14-2019

(Date)

Michael Scott

(Signature of Plaintiff)

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5, 28 U.S.C. § 1745)

I, Michael Eugene Scott, declare:

I am over 18 years of age and a party to this action. I am a resident of California men's Colony 'EAST Prison,

in the county of San Luis Obispo,

State of California. My prison address is: California men's Colony 'EAST-7204,
P.O. Box 8101, San Luis Obispo, CA. 93409-8101

On 3-14-2019 (DATE)

I served the attached Plaintiff's Opposition to Defendant motion to Dismiss; Attached Plaintiff's request to for leave to file 3(AC)
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

United States District Court, Central District of California
Office of the clerk
Eastern Division
3470 Twelfth Street, Rm. 134, River side, CA. 92501

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 3-14-19
(DATE)

Michael Scott
(DECLARANT'S SIGNATURE)

Claim I Supporting facts (Continued)

1 Snap "metacarpal Fracture - Left Bennett's fracture."
 2 5) The plaintiff, I began writhing in serious pain, and pleading
 3 for medical attention to the two sheriff's Deputy, which was ignored
 4 6) I, the plaintiff was ignored for about one hour until the
 5 Sgt arrived on the scene. The Sgt. then heard plaintiff yelling
 6 and came over to the car, and asked me what was the problem
 7 7) I, the plaintiff explained to the Sgt. that Defendant
 8 John Doe Sheriff deputy, broke my hand, And plaintiff wants to
 9 make an "Excessive force" Claim against the Defendant
 10 Plaintiff 8th & 14th Amendment constitutional rights of
 11 excessive force, defendant did a deliberate act toward plaintiff
 12 8) The Sgt proceeded to take plaintiff complaint by getting
 13 a video recorder, and recording plaintiff statement. And recording
 14 the fact the plaintiff, did not have no seat belt on. Causing more
 15 excessive force to plaintiff "metacarpal fracture"
 16 9) I, the plaintiff was then taken to urgent care "harbor
 17 - UCLA," and diagnosed with a left first metacarpal fracture
 18 see LA County Jail medical - medical file 9-6-17. And Exhibit
 19 A1-A7.

Claim II

22 Second Claim 8th amendment: deliberate indifference
 23 Plaintiff alleges that defendant, DR. ALDRIC M. Jones
 24 /Physician C137414, did act with "Deliberate Indifference
 25 "To plaintiff's "Eight amendment constitutional right" to be
 26 provided, Adequate medical treatment, Failing to treat plaintiff's
 27 metacarpal fracture 1-8-2018. After reviewing 2 Superior
 28 Court orders to do so TA14462101 & 7PRO629001

Claim II Continued

Supporting Facts:

- 1) Defendant, Dr. Aldric M. Jones/Physician-C 137416, was the Doctor plaintiff seen. who was in charge, of examining plaintiff for a Court order medical treatment's; TA14462101, and 7PRO629001 Broken Left thumb, and Broken wrist. Plaintiff was given no help from Dr. Aldric M. Jones, 1-8-2018 13:29 p.m. Defendant did act with Deliberate Indifference to plaintiff eight amendment Constitutional Rights to be provided with Adequate medical treatment
- 2) Defendant, Dr. Aldric M. Jones/Physician-C 137416, Had a Court Order's issued to treat plaintiff's medical needs. And violate plaintiff's 8th amendment constitutional rights. where Defendant not only did not give plaintiff the right medical treatment, But did not even give plaintiff any medical treatment for the a Court order medical. Defendant had 4 months of medical reports, and Documentation. to Base his medical evaluation, and treatment on, and did nothing. See Exhibit A1-A7
- 3) Defendant, Dr. Aldric M. Jones/Physician C 137416, Had medical Documentation "Exhibit A1" plaintiff's medical Documentation "Emergency Referral" problem title "Left Base of First metacarpal fracture - Left Bennett fracture" And plaintiff's Assessment/plan was to expedite Orthopedic evaluation given intra-articular fracture, which may need Surgical intervention to fix plaintiff hand. will transfer to LCMC And Defendant violate plaintiff's 8th amendment Constitutional rights to provide plaintiff adequate medical treatment, Just gave plaintiff pain meds: See Exhibit A1
- 4) Defendant, Dr. Aldric M. Jones/Physician C 137416 had plaintiff's medical Documentation Exhibit A2, where it's documented that plaintiff was in serious pain, and could not grip objects

Claim II Supporting facts: Continued

5) Defendant, Dr. Aldric M. Jones/Physician had plaintiff's Medical Documentation Exhibit A3, from milagros P. Tan RN. 480209-12/9/2017. Clinical Interventions Plan of care Urgent Care re: X-ray alert - Little if any change in fracture at base of 1st metacarpal. Suggest clinical correlation. And still Defendant violate plaintiff 8th amendment rights, and did nothing.

6) Defendant Dr. Aldric M. Jones /physician. C137416 Had 2. Court orders TA14462101 - Broken left thumb, and 7PRO629001 - Broken wrist. To give plaintiff, his 8th Amendment Constitutional Rights to be provided with adequate Follow-up medical treatment But Defendant did act with Deliberate Indifference, By not fulfilling the 2 Superior court order's Exhibit A4. X-ray Alert.

7) Defendant, Dr. Aldric M. Jones/Physician C137416, had the Medical report from LA County Jail 'medical - Orthopedics physician Robert C. Gutierrez/MD orthopedics 422126 - 12-28-2017. And still did not send plaintiff to LCMC for the right medical treatment violating plaintiff 8th amendment rights, when Defendant did act with Deliberate Indifference to plaintiff rights to be provided with adequate follow-up medical treatment. Metacarpal fracture can only be fixed 2 way's. Cast or Surgery. See Exhibit A5 Defendant, Should of sent plaintiff to LCMC for the right medical treatment. The pain medication was never gone fix my hand. Nor was the right, or Adequate medical treatment for plaintiff's 2 Superior Court order's.

8) Defendant, Dr. Aldric M. Jones/Physician C.137416 was the Doctor plaintiff seen 1/8/2018 13:29 pst. For the chief complaint for the 2. Superior court order's; TA14462101 - Broken left thumb ; 7PRO629001 - Broken wrist. Defendant had all plaintiff medical